BILL NO. _____

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY OF
FRESNO, CALIFORNIA, AMENDING 2-514 OF THE
FRESNO MUNICIPAL CODE, RELATING TO RESPONSE
TO COVID-19 EMERGENCY

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-514 of the Fresno Municipal Code is amended to read:

SECTION 2-514. - RESPONSE TO COVID-19 EMERGENCY. For so
long as there is a City State of Emergency in effect due to the COVID-19
pandemic, the following shall apply:

(a)   The City shall not discontinue utility and sanitary service to
any customer for reason of nonpayment, and no late fees or interest shall
accrue. Any customer whose utility service has been shut off or terminated
for nonpayment shall have service restored for the duration of the
declared emergency, without any reconnection charges.

(b)   Non-essential City services may be suspended; responding
to requests under the California Public Records Act may be delayed
during and following the emergency.

(c)   No refunds shall be owed or paid pursuant to the Money
Back Guarantee, Fresno Municipal Code 12-2301, et seq., as a result of
extended processing times related to the COVID-19 pandemic.

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____   Ordinance No.

(d)   Senior Hot Meals programs shall continue, with appropriate health and safety precautions in place.

(e)   City busses shall be cleaned and disinfected at least daily. The City Transportation Department shall have full authority to modify or add bus routes and schedules to accommodate the public need and welfare during the emergency.

(f)   As of March 4, 2020, there shall be instituted a price and rate freeze on consumer goods and lodging facilities which may have limited availability as a result of an emergency or disaster situation. No person or business shall charge a price greater than 10% above prices charged for such goods as of March 4, 2020. This provision shall be enforced via the price gouging emergency ordinance approved by Council on March 16, 2020.

(g)   Rent Deferral, Eviction Moratorium, and Foreclosures.

(1)   To the extent allowed by State law, no residential tenant, including, without limitation, a mobile home tenant, in the City shall be evicted for nonpayment of rent during the state of emergency caused by the COVID-19 outbreak.

(2)   To the extent allowed by State law, commercial landlords in the City are hereby prohibited from evicting commercial tenants for nonpayment of rent during the state of emergency caused by COVID-19.

(3)   A tenant, whether residential or commercial, must notify their landlord in writing they cannot pay rent due to a COVID-19 related impact. Within ten days of this notice, the tenant must provide documentation to support the claim that they cannot pay rent. For purposes of this section, "in writing" includes e-mail or text communication to the landlord. Any documentation provided to support the claim is deemed to be adequate for this purpose in accordance with state law. Any medical or financial information provided to the landlord shall be held in confidence and used only for purposes of evaluating the tenant's claim.

(4)   Tenants will have up to six months after the termination of the emergency declaration to repay any back-due rent. No interest, late fees, or other penalties shall accrue or be owed as a result of rent deferrals pursuant to this Section.

(5)   This eviction moratorium shall be in effect continuously for so long as the City's declaration of local emergency is in effect.

(6)   A tenant may use this order as a legal defense in any action for unlawful detainer.

(7)   Residents and businesses should not face foreclosure as a result of COVID-19. Lenders are encouraged to provide a forbearance agreement for up to six months for borrowers impacted by COVID-19, without impacting the borrower's credit. The city will

follow all laws and orders of the State with respect to foreclosure protection.

(h)   City staff shall apply for all available state and federal funding related to the COVID-19 emergency.

(i)   The City Manager, or designee, is directed to identify funds and create a COVID-19 Emergency Response Fund to support City actions that are appropriate and necessary to address the impacts and exigencies arising from the COVID-19 pandemic. The City Manager, or designee, shall report this information to the Council at the next Council meeting and thereafter shall report to the Council as promptly and as often as is reasonably possible regarding the expenditures made from the COVID-19 Emergency Response Fund. At a minimum, any fines collected as a result of price gouging, non-essential businesses remaining open, or other matters related to the COVID-19 pandemic shall be allocated to the COVID-19 Emergency Response Fund.

(j)   [Reserved.]

(k)   Bars and taverns as defined in City of Fresno Emergency Order 2020-01 (establishments with California Alcoholic Beverage Control (ABC) license types 40, 42, 48, 51, 57, 60, and 61) may provide curbside or delivery of alcoholic beverages so long as accompanied by food, if permitted by their CUP and State law, including, without limitation any ABC Notice of Regulatory Relief.

(l)	[In addition to social distancing guidelines that may be required by law, all businesses, government facilities, and employers throughout the city, shall require employees and customers, vendors, and others to wear cloth face coverings to enter their buildings, and in the normal course of business when interacting with other people whether indoors or outdoors. Facial coverings must cover both mouth and nose, and must not have an exhaust valve. A reporting hotline number shall be conspicuously posted on the city's website where a customer or employee may anonymously report violations of this subsection that result in an unsafe environment. Willful violation of this subsection shall be subject to administrative citation.

(m)	Upon confirmation of a positive COVID-19 case among an employee or customer of a business, the employer shall notify all employees of the possible exposure within 24 hours. Such notification shall maintain confidentiality of the individuals involved or affected, in compliance with Americans with Disability Act and privacy laws. An employer shall follow all local, state and federal public health requirements and recommendations, including sanitizing, and cooperating with contact tracing protocols.]

(l)[(n)] Any business ordered to close that remains open in violation of an Emergency Order of the city, shall alternatively be punishable by administrative citation. The city shall provide a warning, and thereafter noncompliance shall be subject to a fine of $1,000 for the first offense,

$5,000 for the second offense, and $10,000 for the third or subsequent offense.

(m)[(o)]   If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, then the reminder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

(n) [(p)]   This Ordinance shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

SECTION 2. This Ordinance is necessary for the immediate preservation of the public health, peace, property, and safety. Pursuant to Sections 603 and 610 of the Charter of the City of Fresno, this Ordinance shall take effect immediately upon passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

      I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

      AYES :
      NOES :
      ABSENT :
      ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
      Deputy   Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
      Katie Doerr   Date
      Chief Assistant City Attorney